



HJ0053

LRB099 11318 RLC 31948 r

1

HOUSE JOINT RESOLUTION

2

WHEREAS, The General Assembly recognizes that the State of Illinois experiences overcrowding in prison and jail populations and a continued high rate of recidivism of approximately 50%; and

3

4

5

6

WHEREAS, The State of Illinois currently spends \$1.3 billion per year on imprisonment of adults; and

7

8

WHEREAS, Nationally, 50% of incarcerated persons have mental health problems, 60% have substance use disorders (SUDs) and 33% have both; that many of these incarcerated persons are non-violent offenders whose crimes are directly related to their untreated or inadequately treated mental health problems, SUDs, or both; and that many of these incarcerated persons have a high rate of recidivism directly related to their untreated or inadequately treated mental health problems, SUDs, or both; and

9

10

11

12

13

14

15

16

17

WHEREAS, In 2013, a federal court entered an order facilitating a consent decree addressing issues related to the treatment of prisoners in the Illinois Department of Corrections who suffer from a serious mental illness and require monitoring; and

18

19

20

21

1 WHEREAS, It is the intent of the General Assembly to create
2 a Commission to recommend legislation that would establish a
3 diversion action plan to improve efforts to divert persons with
4 mental illness, substance use disorders, and intellectual
5 disabilities to appropriate treatment or a diversion program as
6 an alternative to incarceration; and

7 WHEREAS, It is the further intent of the General Assembly
8 to reduce the prison population in the Illinois Department of
9 Corrections by at least 25% by December 31, 2020, as a result
10 of the diversion action plan; therefore, be it

11 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
12 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
13 SENATE CONCURRING HEREIN, that there is created the Behavioral
14 Health Prison Diversion Commission; and be it further

15 RESOLVED, That the Commission shall have 9 voting members
16 appointed as follows:

17 (1) 2 members of the General Assembly appointed by the
18 President of the Senate, one of whom the President of the
19 Senate shall designate as co-chairperson;

20 (2) 2 members of the General Assembly appointed by the
21 Speaker of the House, one of whom the Speaker of the House
22 shall designate as co-chairperson;

23 (3) one member of the General Assembly appointed by the

1 Minority Leader of the Senate;

2 (4) one member of the General Assembly appointed by the
3 Minority Leader of the House of Representatives;

4 (5) the Secretary of Human Services or his or her
5 designee;

6 (6) the Director of Corrections or his or her designee;
7 and

8 (7) a designee of the Office of the Governor; and be it
9 further

10 RESOLVED, That the co-chairpersons may appoint such other
11 individuals as they may deem helpful as non-voting members of
12 the Commission; that a vacancy on the Commission shall be
13 filled in the same manner as the original appointment; that the
14 Department of Human Services shall provide administrative
15 support, together with meeting space, to assist the Commission
16 in fulfilling its mission; and that all appointments required
17 by this Resolution shall be made within 60 days of the adoption
18 of this Resolution; and be it further

19 RESOLVED, That the Commission shall conduct meetings,
20 conference calls, or both, as the co-chairpersons shall direct;
21 that the Commission shall select from among its members a
22 Secretary; that a majority of the members of the Commission
23 serving constitutes a quorum for the transaction of the
24 Commission's business; that the Commission shall act by a

1 majority vote of its serving members; and that the Commission
2 shall meet at the call of the Co-Chairpersons and as may be
3 provided in rules adopted by the Commission; and be it further

4 RESOLVED, That the Commission shall gather information,
5 review studies, and identify areas of best practice with
6 respect to how the criminal justice system should handle
7 persons with behavioral health disorders including mental
8 illness, substance use disorders, and intellectual
9 disabilities who have committed a crime, and take other steps
10 necessary to make written findings and recommendations as
11 required in this Resolution; and be it further

12 RESOLVED, That in carrying out its function, the
13 Commission, may, as appropriate, make inquiries, studies,
14 investigations, hold hearings, and receive comments from the
15 public; that the Commission may consult with outside experts in
16 order to perform its duties, including, but not limited to,
17 experts in the private sector, experts in forensic psychiatry,
18 organized labor, government agencies, and at institutions of
19 higher education; and that members of the Commission shall
20 serve without compensation but may, subject to appropriation,
21 receive reimbursement for necessary travel and expenses; and be
22 it further

23 RESOLVED, That the Commission shall make its report to the

1 General Assembly on or before February 1, 2016; and that the
2 report of the Commission shall detail those findings and
3 recommendations supported by a majority of the voting members;
4 and that the findings and recommendations shall include, but
5 are not limited to:

6 (1) a diversion action plan to improve efforts to
7 divert persons with behavioral health disorders including
8 mental illness, substance use disorders, and intellectual
9 disabilities to appropriate treatment or diversion program
10 as an alternative to incarceration;

11 (2) areas of best practice in this State and other
12 states to expand the use of effective pre-booking and
13 post-booking options for those with behavioral health
14 disorders; and

15 (3) a performance monitoring process to include
16 baseline and post-implementation data for prevalence of
17 persons with behavioral health disorders and intellectual
18 disabilities in the State's criminal justice system,
19 outcomes, and return on investment; and be it further

20 RESOLVED, That in addition to the report, the Commission
21 shall provide to the General Assembly its recommendations in
22 the form of legislation; and that the Legislative Reference
23 Bureau shall provide drafting assistance to the Commission; and
24 be it further

1 RESOLVED, That the Commission shall dissolve on February
2 15, 2016.